

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

COLEEN T.,

Plaintiff,

v.

No. 5:20-CV-1552
(CFH)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

Law Offices of Steven R. Dolson
126 North Salina St., Ste 3B
Syracuse, New York 13202
Attorneys for plaintiff

STEVEN R. DOLSON, ESQ.

Social Security Administration
J.F.K. Federal Building, Rm. 625
15 New Sudbury Street
Boston, Massachusetts 02203
Attorneys for defendant

HEATHER M. LACOUNT, ESQ.

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

DECISION & ORDER¹

Plaintiff Coleen T.² brings this action pursuant to 42 U.S.C. § 405(g) seeking review of a decision by the Commissioner of Social Security (“Commissioner,” “SSA,” or “defendant”) denying her application for disabled widow’s benefits. See Dkt. No. 1.

¹ Parties consented to direct review of this matter by a Magistrate Judge pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, N.D.N.Y. Local Rule 72.2(b), and General Order 18. See Dkt. No. 4.

² In accordance with guidance from the Committee on Court Administration and Case Management of the Judicial Conference of the United States, which was adopted by the Northern District of New York in 2018 to better protect personal and medical information of non-governmental parties, this Memorandum-Decision and Order will identify plaintiff’s last name by initial only.

Plaintiff moves for a finding of disability, and the Commissioner cross-moves for judgment on the pleadings.³ See Dkt. Nos. 7, 9.

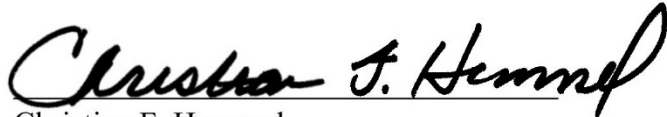
On January 11, 2022, the Court conducted oral argument in connection with these motions. The conference occurred by telephone in the presence of a court reporter. At the close of argument, the Court issued a bench decision in which the Court held that the Commissioner's determination was not supported by substantial evidence. In the decision, the Court provided further detail regarding its decision while addressing the specific issues the plaintiff raised in her appeal.

After due deliberation and based on this Court's oral bench decision, which has been transcribed and annexed hereto, it is hereby:

ORDERED, that plaintiff's Motion for Judgment on the Pleadings, dkt. no. 7, is **GRANTED**, defendant's Cross-Motion for Judgment on the Pleadings, dkt. no. 9, is **DENIED**, and the matter is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Decision & Order.

IT IS SO ORDERED.

Dated: January 12, 2022
Albany, New York


Christian F. Hummel
U.S. Magistrate Judge

³ This matter has been treated in accordance with the procedures set forth in General Order 18. Therein, once issue has been joined, an action such as this is considered procedurally as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. See N.D.N.Y. G.O. 18.